

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES ALLEN SUSKE KINNEY,

Plaintiff,

v.

THE STATE OF WASHINGTON,
THE WASHINGTON
DEPARTMENT OF CORRECTIONS
and GOVERNOR JAY INSLEE,

Defendants.

NO: 2:15-CV-00129-TOR

ORDER GRANTING MOTION TO
VOLUNTARILY DISMISS,
DISMISSING COMPLAINT AND
DIRECTING THAT COLLECTION
OF THE FILING FEE CEASE

By Order filed August 4, 2015, the Court directed Plaintiff, a *pro se* prisoner at the Airway Heights Corrections Center who is proceeding *in forma pauperis* to clarify whether he wished to proceed with his First Amended Complaint (ECF No. 14) or to voluntarily dismiss this action pursuant to his Motion filed June 24, 2015 (ECF No. 13). Defendants have not been served in this action.

ORDER GRANTING MOTION TO VOLUNTARILY DISMISS, DISMISSING
COMPLAINT AND DIRECTING THAT COLLECTION OF THE FILING FEE
CEASE -- 1

1 On August 12, 2015, Plaintiff submitted a two page response titled,
2 "Clarification," along with the documents pertaining to the dismissal of his other
3 case, 2:15-CV-00128-TOR (ECF No. 19). Plaintiff indicates that it was his intent
4 to have this case dismissed. He also indicates that he wishes to have collection of
5 the remaining balance of the filing fee in both cases filed in this District waived.

6 Therefore, **IT IS ORDERED** the Motion to Voluntarily Dismiss (ECF No.
7 13) is **GRANTED** pursuant to Fed. R. Civ. P. 41(a) and the Complaint (ECF No.
8 10) is **DISMISSED WITHOUT PREJUDICE**. For good cause shown, **IT IS**
9 **FURTHER ORDERED** that Plaintiff's request to waive collection of the filing fee
10 is **GRANTED** and the institution having custody of Mr. Kinney shall cease
11 collection of the filing fee in this action, cause number **2:15-CV-00129-TOR**
12 **(formerly JTR)**. In addition, all pending Motions are **DENIED as moot** and all
13 pending deadlines shall be stricken.

14 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
15 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff
16 and close the file. The District Court Executive is further directed to send a copy
17 of this Order to the Office of the **Department of Corrections, Attn: LFO/COS**
18 **UNIT, P.O. Box 41107, Olympia, WA 98504-1107**, to forward to the appropriate
19 agency having custody of Plaintiff. The District Court Executive also **shall**

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**ORDER GRANTING MOTION TO VOLUNTARILY DISMISS, DISMISSING
COMPLAINT AND DIRECTING THAT COLLECTION OF THE FILING FEE
CEASE -- 2**

1 provide a copy of this Order to the Financial Administrator for the United States
2 District Court, Eastern District of Washington.

3 **DATED** August 21, 2015.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge